



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2200675
Applicant Name: Stan Lotking, ARC Architects for Common Ground Low Income housing.
Address of Proposal: 1056 North 35th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for the future construction of a three-story, 12 room congregate residence. Parking to be reconfigured to provide a total of 19 spaces. Existing structures to remain.

The following approvals are required:

Administrative Conditional Use – To allow a residential use in C1 zone.
(Seattle Municipal Code Chapter 23.47.006)

SEPA - Environmental Determination (SMC Chapter 25.05)

Design Review – (SMC Chapter 23.41)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

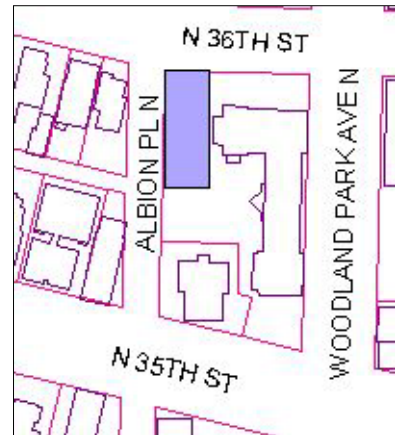
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The site is the full block bounded by North 35th Street, North 36th street, Albion Place North and Woodland Park Avenue North. There is a newly platted unit lot (Unit lot subdivision MUP 2206642) located at 1056 North 35th Street associated with this development. The proposed building will be located at the corner of North 36th Street and Albion Place North. The site slopes approximately 22' down to the southeast. The site is zoned Commercial 1 with a 40-foot height limit (C1-40) and abuts a Residential Multifamily Duplex/Triplex(LDT) zone to the west across Albion Place North. Zoning to the north is Commercial 1 with a 40-foot height limit (C1-40). Zoning to the East is Industrial Commercial with a 45 height limit. The proposal calls for a three story building with on grade parking. There are two other buildings on the block with similar uses.



Proposal Description

The proposal will provide 12 rooms of transitional low income housing with appropriate common areas for its residents in a single dwelling unit congregate residence. Albion Place (this proposal), Keystone Resources and Coach House (also on this block) provide residential settings for the treatment of low-income persons with chronic mental illness.

Public Comment

Three comment letters were received during the official public comment period, which ended July 16, 2003. Comment letters asked general zoning questions and noted the following: emergency vehicles are often summoned and are loud and block traffic for the neighboring residences, on-street parking is scarce, allowable beds may be too many for the block, congregate residence housing is inappropriate at this location. The owner of the project noted that he was working with the emergency response staff to arrive quietly, if possible, and to use Woodland Park Avenue North if possible. Seattle Department of Transportation (SDOT) has worked with the applicant to design the Albion street right of way to the City's increased width standards.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Criteria

The proposed congregate residence is a residential use as defined in SMC 23.47.004(chart A) and thus, is appropriate for consideration as an administrative conditional use within the C1-40' zone. All conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria: (23.47.006A)

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.;*
2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:

- a. *Due to location or parcel size, the proposed site is not suited for commercial development; or*

The proposed development creates a full-block setting dedicated to serving and meeting the needs a low-income chronically mentally ill adult population. The small size of the undeveloped portion of this full block site (approx. 8,100) would not easily accommodate the parking or service requirement for a typical commercial project. The location is particularly good for this use to contribute to the block development where a green courtyard is and will be created by previous development on the site to the east of the proposal and this proposal can maintain and enhance that amenity for the residents. The proposed site is therefore not well-suited for commercial development.

- b. *There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front.*

There is a significant number of vacant commercially-zoned properties near the site. There is just over 55,000 square feet of commercial space available in seven structures with in one and one-half blocks of the project. This suggests that there is an excess supply of land available for commercial use in the near area. The development will not interrupt an established commercial street front since the location and nature of the nearby development is more residential in character than commercial. The proposal is acceptable in light of this criteria.

Conclusion

With an excess supply of vacant commercial space and existing commercial businesses available in the general vicinity, as well as the fact that the subject building does not interrupt an established commercial street front, it is the decision of the Director that the request for an Administrative Conditional Use permit shall be approved.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use permit to allow a congregate residence in a C1 zone is **GRANTED**.

DESIGN REVIEW

This project was presented at an early design guidance meeting on January 6, 2003. The Architect made a presentation and the Board and the public offered comments. The DPD Planner was not at that meeting and so the discussion did not enter into the public record. Armed with comments for the January 6 meeting the architect returned with more detail and changes based on comments rendered. Items the architect revised include a proposed additional setback from North 36th Street, increased residential fenestration and using architectural vocabulary of the existing buildings on the site to create a “family of buildings.” The architect proposed to use a gable on the north and proposes balcony doors and balustrades at key areas on the building.

Public Comment

There were several suggestions from the public regarding architectural detailing and character. One suggestion was to see a well-detailed building to integrate with the existing buildings on the site. Other comments articulated requests for garbage and recycling screening, building on the 35th street old house characteristics of porches and setbacks, stoops, gardens and a lot of pedestrian activity. One comment noted that the existing garbage pickup occurs very early in the morning and is disruptive to the residents in the area.

Priorities:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” of highest priority to this project.

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

The Board agreed that the design development was on the right track. They especially wanted the architect to retain the currently proposed 36th Street setback of 12 feet and architectural vocabulary borrowed and updated from the building on the site. The Board recognizes the programmatic goals of the applicant of entrances off the courtyard and would like to see more refined design of the courtyard and new parking/outdoor space.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board requested the architect retain the proposed 12 foot setback on 36th street.

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings

The Board requested that the architect study both the relationship to other buildings on the same site (block) and to the single family zone across the street. The new building should be located to not cause too much shade in the courtyard. This is a priority for the development while addressing the perimeter siting as well. The project must be set back due to future widening of Albion Place planned by SDOT. The Board recognized the constraints of the site.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board feels that the transition between residence and street should be treated in a residential way through architectural elements and landscaping. The Board understands that the project program requires only one vehicular entrance off of the street.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board requested the architect to continue exploring design possibilities for the ground level courtyard. The Board asked for more detail that should show a rich environment for the project users and a pleasant experience from the sidewalk for passers by which may communicate to them the residential nature of the project. The Board wants the architect to verify that previous landscape requirements for the other buildings were met and installed per approved permit drawings.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board recognized that there are several parking areas on the site. The new curb cut and access from Albion Place North will be the only one on that block face. The Board encouraged the architect and developer to explore alternative access points for emergency vehicles to avoid emergency access from 36th and from Albion.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

The Board noted that in this project the building mass should not be pushed to the corner, but setbacks at grade as presented should be retained. The Board still wants the residential character of the building to be visible from the corner.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

The Board selected this height, bulk and scale as a low priority, but mentioned that the residential character, rooflines, height and massing as presented was in keeping with their thoughts on this guideline.

C Architectural elements and materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.

The Board suggested that the architect continue developing a subtle definition of residential character on this block. Since this is a corner building, but not a corner for entries or commercial uses the context will be the existing residential style on site. The Board wants the next iteration of the design to include more architectural vocabulary recalling older residential architectural details from the area and showing a strong relationship to the older buildings.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board asked for a unified residential building design with many residential elements as used on the other residential buildings on this site. In addition the Board wants the residential use to be expressed in the building exterior details.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board requested that the architect bring more drawings showing exterior details to the recommendation meeting. They also requested more information on finish materials at the recommendation meeting.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

The Board would like to see more information on the proposed interior open spaces, both hardscape and turf or planting areas. They would like more information on lighting, signage and way finding.

D-4 Design of Parking Lots Near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

The Board would like to see more information on the play court design and use on the south side of the buildings.

D-6 Screening of Dumpsters, Utilities and Services Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

The project program proposes to use the existing Keystone garbage and recycling area. The Board wants the architect to look at the code requirements for screening, size and landscaping and to make sure it is functional for the increased use and well-screened from the street. Proposed improvements should be brought to the next meeting.

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Pedestrian safety should be considered for both residents entering and exiting, and also for passers-by.

E Landscaping

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

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Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The Board would like to see information meeting all three landscaping design guidelines at the next meeting.

Departure from Development Standards:

The applicant applied for the Master Use Permit June 6, 2003. The applicant requested no departures from the Land Use Code development standards:

In general the Board thought that the project met the guidelines listed above. It was unclear to the Board whether the project had decreased the setback from 36th Street or if it had remained the same. The Board weighed the setback issues with the new building on the currently vacant site, the absence of C1 zone setback requirements, the LDT zone across Albion Place North where several single family homes are located, the needs of the design program, and scale of the building. The Board also discussed the landscape surrounding the building, the appropriateness and amount of plants. The Board noted that the previous renderings had a more interesting wall profile and the current renderings had lost some of the desirable profile and detailing.

BOARD RECOMMENDATION

The Board voted 3 out of 5 to recommend approval of the project with recommended conditions only on the landscaping and wall profile. The other members of the Board would like to add a condition that the setback be 12 feet from the back of the existing sidewalk on 36th street.

When the Board's recommendation is supported by less than four members, the Director will give due consideration to the Board's recommendation in reaching his/her decision, along with any minority opinions, staff recommendations and public comment. The landscaping condition is to install the landscaping as per the MUP drawings and to maintain them in number and species for the life of the project. The architectural detail condition is to work with the planner to bring back elements exhibited in the January 27 drawings showing more relief in the wall profile.

ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meetings and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings. No departures from the land use code development standards were requested. Therefore, the proposed **design is approved** as presented in the official plan sets on file with DPD as of the January 15, 2004 with the Board's recommended design **conditions**, enumerated below.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated June 6, 2003 and supplemental information in the project file. This information, along with the experience of the lead agency in similar situations, form the basis for this analysis and decision. No long-term impacts are anticipated from this proposal. Short-term impacts are discussed below.

Long-term Impacts

The SEPA Overview Policy (SMC 25.05.665.D) states *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm Water, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Height, Bulk and scale is presumed to be addressed when projects are subject to design review analysis. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulate during construction; potential soil erosion during grading, excavation and general site work; increased run-off; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

Construction noise may be adverse enough to warrant mitigation. The proximity of residential uses is such that the limitations of the Noise Ordinance would be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DPD Planner (Holly Godard 206-615-1254) and should be requested prior to each occurrence.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DPD Planner (Holly Godard 206-615-1254) and should be requested prior to each occurrence.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

2. None

CONDITIONS – DESIGN REVIEW

Prior to issuance

3. Work with the planner to bring back elements exhibited in the January 27, 2003 drawings showing more relief in the wall profile, a horizontal trim piece at the top of the horizontal siding and window trim.

Non-Appealable Conditions

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard, tel 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
5. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
6. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Include colored drawings showing building elevations in the building permit plans.

For the Life of the Project

7. Install the landscaping as per the MUP drawings and to maintain them in number and species for the life of the project.

Signature: (signature on file) Date: February 2, 2004
Holly J. Godard, Land Use Planner
Department of Planning and Development
Land Use Services